

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Ulysses Hernandez-Martinez,  
Plaintiff,

vs.

United States of America,  
Defendant.

Civil Action No. 6:09-936-MBS-WMC

**REPORT OF MAGISTRATE JUDGE**

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and submit findings and recommendations to the District Court.

By order filed April 14, 2009 (doc. 6), the plaintiff was advised to notify the court in writing of any change of address.

On November 4, 2009 (doc. 50), the defendant advised the court that the plaintiff had been deported and did not leave a forwarding address with the Department of Homeland Security or the Bureau of Prisons. By order of this court filed November 4, 2009 (doc. 53), the plaintiff was given 60 days to provide the court with his permanent address. The order was mailed to the plaintiff's last known addresses (Stewart Detention Center, P.O. Box 248, Lumpkin, GA 31815, and FCI, P.O. Box 52020, Bennettsville, SC 29512). The envelope mailed to Stewart Detention Center was returned to the court on November 16, 2009, as undeliverable, marked "Not at this facility." The envelope mailed

to FCI Bennettsville was returned to the court on November 16, 2009, as undeliverable, marked "Individual no longer in custody."

As the plaintiff has now been deported, has failed to keep the court apprised of his whereabouts as directed, and has not been in contact with the court since he moved to amend his complaint on October 1, 2009 (doc. 43), it appears he no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

IT IS SO ORDERED.

s/William M. Catoe  
United States Magistrate Judge

January 5, 2010

Greenville, South Carolina